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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NUMBER:

IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION

19-md-02875

DISCOVERY CONFERENCE VIA
ZOOM

Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101
October 18, 2023
Commencing at 4:02 p.m.

B E F O R E: THE HONORABLE THOMAS I. VANASKIE (RET.)
SPECIAL MASTER

A P P E A R A N C E S:

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Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

A P P E A R A N C E S (Continued) :

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12 | ALSO PRESENT:

13 LORETTA SMITH, ESQUIRE
14 Judicial Law Clerk to The Honorable Robert B. Kugler
15 Larry MacStravic, Courtroom Deputy

1 (PROCEEDINGS held via Zoom before and SPECIAL MASTER
2 THOMAS I. VANASKIE at 4:02 p.m.)

3 THE COURT: Good afternoon.

I think we might be ready to proceed. Nobody is ringing in right now, so now's a good time.

6 Good afternoon, everyone. We have our court
7 reporter, Ann Marie Mitchell is here.

8 Loretta Smith, I don't know, are you home, Loretta?
9 You can't be at the office.

10 MS. SMITH: I am home, Judge.

11 THE COURT: Yes. Loretta had a very serious fall and
12 won't be able to drive for a while. So it's great to see you,
13 but get yourself better.

14 MS. SMITH: Yep. Thank you.

15 THE COURT: So there are a couple of matters on the
16 agenda letters that deal with the pending motions, a motion to
17 seal and a motion to compel production of WeChat exchanges.

18 Is WeChat like Twitter or is it more like Facebook?

19 MS. DAVIDSON: I can answer that, Your Honor. This
20 is Jessica Davidson on behalf of ZHP.

21 WeChat -- and I actually looked at it last night on
22 someone's phone -- is basically a social media platform that
23 includes all of your various apps in one platform.

24 THE COURT: Okay.

25 MS. DAVIDSON: So imagine if sort of your bank

1 statements, your hospital portal, your texts, your
2 appointments, your calendar, everything, your social networks.
3 Everything is included, so instead of having like lots of
4 different apps, it's all included in one platform.

5 THE COURT: I see.

6 MR. WILLIAMSON: Your Honor, George Williamson on
7 behalf of plaintiffs.

8 It's very clearly primarily a chat enabled
9 application.

10 This is what it looks like. I have the application
11 on my phone. And this is what it looks like.

12 THE COURT: It doesn't show up too good right now on
13 the screen. Sorry.

14 MR. WILLIAMSON: At the bottom, it says chats,
15 contacts, discover and then me. You know, that's what we
16 have.

17 THE COURT: Okay.

18 MR. WILLIAMSON: So at its core it's primarily a
19 chatting app. It could be used for other things. I would
20 liken it to WhatsApp. I'm not sure if Your Honor has used
21 that, but --

22 THE COURT: I have not.

23 MR. WILLIAMSON: It's very similar to WhatsApp.

24 MS. DAVIDSON: It's not similar to WhatsApp insofar
25 as in America you would have WhatsApp. You would have your

1 Chase Bank app. You would have your dating profiles and all
2 of your dating site apps.

3 For Chinese people, it's all in one place. So your
4 dating app, your lab tests from your last blood test, your
5 bank records, it's all there.

6 THE COURT: Okay. All right. Now, I was going to
7 suggest that I schedule argument separately on these motions,
8 primarily because I just got overwhelmed this week and did not
9 spend the time that I thought I needed to review the briefs
10 and all of the exhibits that came with it. There's quite a
11 number of exhibits.

12 So I apologize for that. I found myself in court
13 this morning at 9:30, on a conference call at 10:00, another
14 Zoom session at 11:00, another Zoom session at 12:30, one at
15 2:00, and now this. And I just -- I need to -- I want to
16 spend the time.

17 And I apologize to you. It's not fair to you. But
18 the briefing just did get completed on the WeChat motion, and
19 I just haven't had the chance to review it.

20 I was looking at a date next week. And I don't
21 know -- I'm not giving you a lot of notice on it, but I
22 thought I'd throw out the 23rd of October.

23 MS. DAVIDSON: Your Honor, I unfortunately have an
24 oral argument in -- actually, it's kind of fortunate because
25 it's in Idaho, where I've never been. I'm pretty excited.

1 But I have an oral argument in Idaho on Monday and a
2 deposition on Tuesday.

3 I could do Wednesday the 25th or Thursday the 26th.

4 THE COURT: Wednesday the 25th looks good for me. I
5 can't do the 26th. I'm doing a mediation in Pittsburgh that
6 day. But I could do the 25th.

7 MS. DAVIDSON: George?

8 MR. WILLIAMSON: Yeah. Wednesday in the morning
9 probably works for me.

10 THE COURT: That would be the morning.

11 MR. WILLIAMSON: Yeah.

12 THE COURT: Would 10:00 a.m. be all right,
13 Mr. Williamson?

14 MR. WILLIAMSON: 10:00 a.m. Eastern works for me,
15 yep.

16 THE COURT: Ms. Davidson, 10:00 a.m. Eastern time?

17 MS. DAVIDSON: Absolutely.

18 THE COURT: Does anybody else need to be heard on the
19 scheduling of argument on the WeChat motion?

20 (No response.)

21 THE COURT: So we'll hear oral argument Wednesday the
22 25th at 11:00 a.m.

23 MR. WILLIAMSON: I thought we said 10:00 a.m.?

24 THE COURT: 10:00 a.m., you are right. I'd rather do
25 10:00 too.

1 MR. WILLIAMSON: Will the Court circulate a Zoom
2 link?

3 THE COURT: I'll send out an order. And Larry, are
4 you able to send out a Zoom link for this, Mr. MacStravic?

5 THE DEPUTY CLERK: Yes, Judge.

6 THE COURT: So Mr. MacStravic will send out a Zoom
7 link.

8 Now, we also have the motion to seal that needs to be
9 discussed.

10 And can we hear argument on that motion the same day?
11 And who will be heard on that motion?

12 MR. COX: I will for ZHP, Your Honor, Christopher
13 Cox. I'm available at the time you just settled on.

14 THE COURT: All right. And who will present argument
15 for the plaintiffs?

16 MR. GEDDIS: This is Christopher Geddis for
17 plaintiffs, and I'm available at that time as well.

18 THE COURT: All right. So we'll start arguments,
19 we'll start with the WeChat motion at 10:00 a.m., and we'll
20 immediately follow that with argument on the motion to seal.
21 All right?

22 All right, thanks. Is there anything else for us to
23 cover today?

24 MR. WILLIAMSON: Not that I'm aware of.

25 THE COURT: All right. Now, I notice that a

1 suggestion of bankruptcy has been filed on behalf of Rite Aid.
2 It was filed on the docket. Those that are registered ECF
3 users that are participants in this case would have received
4 notice, would have received a copy of -- or a link to the
5 filing. I don't believe there's anything else to be done on
6 the Court's end with respect to that suggestion of bankruptcy.

7 Does anybody disagree with that?

8 MR. SLATER: No, Your Honor, there's nothing for the
9 Court to do at this time. This is Adam Slater.

10 THE COURT: Right. Mr. Slater, it seems to me that
11 if Rite Aid wants to do anything, they have to go to
12 bankruptcy court I guess on it.

13 But in any event, I didn't think there was anything
14 that the Court needed to do. The suggestion of bankruptcy has
15 been filed. And as I said, those who are registered ECF users
16 on this case have been noticed.

17 Is there anything else to discuss today?

18 MR. SLATER: Nothing for plaintiffs, to my knowledge.

19 THE COURT: I'm sorry to disappoint you all with
20 respect to -- you all came prepared to argue. I've got my
21 coat and tie on too. But -- I could listen, but I'd rather be
22 prepared. And so we'll be prepared for next Wednesday.

23 All right. Is there anything else?

24 MS. DAVIDSON: No, Your Honor. Thank you so much.

25 MR. SLATER: Nothing, Judge.

1 THE COURT: Thank you all very much. We'll see you
2 next Wednesday. We'll send out the invites.

3 (Proceedings concluded at 4:11 p.m.)

4

— — —

6 from the record of proceedings in the above-entitled matter.

/S/ Ann Marie Mitchell
Court Reporter/Transcriber

19th day of October, 2023
Date

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